

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, May 5, 2021

Hearing Room 1568

10:00 AM

2:16-17463 Gardens Regional Hospital and Medical Center, Inc.

Chapter 11

#1.00 Hearing
RE: [1644] Motion RE: Objection to Claim Number 31 by Claimant Accountable
Health Care IPA.

Docket 1644

***** VACATED *** REASON: CONTINUED 6-8-21 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gardens Regional Hospital and

Represented By
Samuel R Maizel
John A Moe II
Anthony Bisconti
Steven J. Katzman
Anne A Uyeda

**United States Bankruptcy Court
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2:16-17463 Gardens Regional Hospital and Medical Center, Inc.

Chapter 11

#2.00 Hearing
RE: [1645] Motion RE: Objection to Claim Number 36 by Claimant Spine
Surgical Implants, Inc..

Docket 1645

***** VACATED *** REASON: CONTINUED 6-22-21 AT 11:00 A.M**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gardens Regional Hospital and

Represented By
Samuel R Maizel
John A Moe II
Anthony Bisconti
Steven J. Katzman
Anne A Uyeda

**United States Bankruptcy Court
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2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01450 St. Vincent Medical Center et al v. St. Vincent IPA Medical Corporation

#3.00 Hearing

RE: [10] Motion to Dismiss Adversary Proceeding Notice of Motion and Motion to Dismiss Plaintiff's Amended Complaint to Avoid and Recover Transfers Pursuant to 11 U.S.C. 547, 549 and 550 and To Disallow Claims Pursuant to 11 U.S.C. 502; Memorandum of Points and Authorities (Neubauer, Mark)

Docket 10

***** VACATED *** REASON: DISMISSED 4-15-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigette G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

Mary H Haas

Robert E Richards

Lawrence B Gill

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CONT... Verity Health System of California, Inc.

Chapter 11

Defendant(s):

St. Vincent IPA Medical Corporation

Represented By
Mark A Neubauer

Plaintiff(s):

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron
Gary D Underdahl

Howard Grobstein

Represented By
Gary D Underdahl

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Hearing Room 1568

10:00 AM

2:19-13763 Ya-Chuan Victor Lee

Chapter 11

#4.00 HearingRE: [166] Motion for order confirming chapter 11 plan (with proof of service)

Docket 166

Tentative Ruling:

5/4/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

For the reasons set forth below, the Plan is **CONFIRMED**.

Pleadings Filed and Reviewed

- 1) Debtor's Motion for Confirmation of Individual Chapter 11 Plan of Reorganization (Dkt. # 152) and Declaration of Marcus G. Tiggs, in Support Thereof (the "Motion") [Doc. No. 166]
- 2) Plan Ballot Summary (with Cast Ballots) [Doc. No. 165]
- 3) Individual Debtor's Disclosure Statement in Support of Plan of Reorganization (the "Disclosure Statement") [Doc. No. 151]
- 4) Individual Debtor's Chapter 11 Plan of Reorganization (the "Plan") [Doc. No. 152]
- 5) Ruling on Disclosure Statement [Doc. No. 157]
- 6) Order Approving Individual Debtor's Disclosure Statement in Support of Plan of Reorganization (the "Order Approving Disclosure Statement") [Doc. No. 160]
- 7) Notice of Hearing on Confirmation of Debtor's Chapter 11 Plan (with Copy of 1) Plan; 2) Disclosure Statement; 3) Entered Order Approving Disclosure Statement; 4) Ballot for Accepting or Rejecting Plan, if Applicable); and Declaration of Marcus Tiggs [Doc. No. 162]
- 8) As of the preparation of this tentative ruling, no opposition is on file.

I. Facts and Summary of Pleadings

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Chapter 11

Debtor and Debtor-in-Possession Ya-Chuan Victor Lee (the "Debtor") filed his individual chapter 11 petition on April 3, 2019. The Debtor worked at and holds a 100% ownership interest in Advanced Body Collision, Inc. Auto Body and Paint ("ABC"). The Debtor's bankruptcy was precipitated by the Debtor's attempt to keep another business he had an interest in afloat. The Debtor took loans to support his other business and used ABC as collateral, as well as providing a personal guaranty. Disclosure Statement at 6. The Debtor was unable to keep up with the loans and their high interest rates (between 40%-60%), and sought help from "debtor assistance programs." *Id.* at 7. None of his attempts were successful in reorganizing any of his debts and he determined that his only option was bankruptcy.

After filing for bankruptcy, and with the Court's permission, the Debtor sold two assets: a parcel of real property located at 1820 West 146th St., Gardena, CA, and personal property/equipment located at ABC. The Debtor used the proceeds from these sales to meet payroll, purchase parts, and other operating expenses. Currently, the Debtor's only major asset is his interest in ABC. On February 11, 2020, the US Trustee filed a motion to determine the value of ABC. On March 11, 2020, the Court determined that ABC was worth \$401,000. However, presumably due to the COVID-19 pandemic, the Debtor then listed ABC for sale at a price of \$250,000. ABC continued to struggle and the Debtor was forced to shut down his business in November 2020 due to decreased revenues brought on by the pandemic. *Id.* at 9. As such, the value of ABC decreased significantly, and the Debtor currently values his interest in ABC at between \$100,000 and \$120,000. *Id.* However, the California Department of Tax & Fee Administration (the "CDTFA") currently has a statutory lien against ABC (not the Debtor) in the amount of approximately \$125,990.86. *See* App'x. 2 to the Disclosure Statement. The Debtor believes that the sale proceeds from ABC will cover most, if not all, of the amount owed to the CDTFA. Because only the Debtor filed for chapter 11 bankruptcy, the lien against ABC is not listed as a claim in either the Disclosure Statement or the Plan.

On December 30, 2020, the Debtor filed his Disclosure Statement and Plan. The Court approved the Disclosure Statement on February 4, 2020, at which time the Court also established deadlines concerning solicitation and confirmation of the Debtor's Plan. The Debtor now seeks approval of his Plan. A summary of the Plan is set forth below:

Administrative Claims

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The Debtor anticipates that administrative fees for professionals will be approximately \$23,000, of which \$13,000 will be sought by the Debtor's counsel and \$10,000 by the Debtor's accountant. The professionals have agreed that, due to the limited amount of funds available on the Effective Date, they will set up other payment arrangements with the Debtor after the Effective Date. The Debtor's real estate broker will be paid fully upon the sale of ABC. Other administrative fees for the Clerk's Office and Office of the US Trustee will be paid in full on the Effective Date.

Priority Tax Claims

The Internal Revenue Service ("IRS") holds a priority tax claim against the Debtor. The Debtor proposed to fully pay the IRS' claim of \$4,681 plus 6% interest over the course of 30 months.

Class 1 – Priority Domestic Support Claim – Voted to Accept the Plan

The Debtor's former spouse holds a priority claim against the Debtor in the amount of \$4,000 per month in domestic support obligations. However, the former spouse has agreed to accept a reduced payment of \$1,000 per month in order to assist the Debtor in consummating his plan of reorganization. Class 1 voted to accept the Plan.

Class 6 – General Unsecured Claims

Class 6 consists of seven classes of claims against ABC with the Debtor as a personal guarantor. The claims are:

6(b): Royal Business Bank (\$200,000) – Voted to Accept the Plan

6(c): On-Deck Capital/Celtic Bank (\$94,769.10) – Deemed to Reject (No Ballot Cast)

6(d): Quicksilver Capital (\$84,186) – Deemed to Reject (No Ballot Cast)

6(e): Saturn Funding (\$20,958) – Deemed to Reject (No Ballot Cast)

6(f): Kalamata Capital Group (\$69,212.61) – Deemed to Reject (No Ballot Cast)

6(g): Complete Business Solutions (\$81,343) – Deemed to Reject (No Ballot Cast)

6(h): DMKA, LLC dba: The Smarter Merchant (\$31,999) – Deemed to Reject (No Ballot Cast)

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All seven of these claims are in relation to the Debtor's personal guaranty of business factoring loans for ABC. While the loans are secured under a UCC-1 Financing Statement against certain assets of ABC, the Plan provides that the claimants shall be treated as unsecured claimants as to the Debtor (assuming there will be a deficiency balance) due to the superior CDTFA claim. The Debtor proposes to pay each of these claims at least 5% per month for 5 years. The Debtor states that these classes are impaired and were entitled to vote. Class 6 also contained a convenience class; however, no creditor elected to join that class. Class 6(b) voted to accept the plan. Classes 6(c)-(h) did not return ballots, and therefore are deemed to have rejected the plan.

Class 7 – General Unsecured Claim – Voted to Accept the Plan

Class 7 consists of one personal guaranty claim against the Debtor held by Royal Business Bank for \$74,000. This claim is in relation to the Debtor's personal guaranty of a business loan for a former business of the Debtor, Le Brilliant Lighting Corporation ("LBLC"). While this claim is secured under a UCC-1 Financing Statement against certain assets of LBLC, the Plan provides that the claimant shall be treated as an unsecured claimant as to the Debtor (assuming there will be a deficiency balance). The Debtor proposes to pay this claim at least 5% per month for 5 years. The Debtor states that this class is impaired and was entitled to vote. Class 7 voted to accept the Plan.

Class 8 – General Unsecured Claims – Voted to Accept the Plan

Class 8 consists of credit card and auto parts supplier debts to which the Debtor is personally responsible, totaling \$546,522.77. *See* Ex. C to Disclosure Statement. The Debtor proposes to pay these claims at least 3% per month for 5 years. The Debtor states that this class is impaired and was entitled to vote. Nine creditors (totaling \$155,052.85) voted to accept the Plan and two (totaling \$11,289.68) voted to reject the Plan. Therefore, Class 8 is deemed to have accepted the Plan.

As of the preparation of this tentative ruling, no opposition is on file.

II. Findings of Fact and Conclusions of Law

As set forth below, the Court finds that the Plan complies with all applicable provisions of §§ 1122, 1123, & 1129. The Plan is confirmed.

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SECTION 1122(a)

Section 1122(a) provides that "a plan may place a claim or an interest in a particular class only if such claim or interest is substantially similar to the other claims or interests of such class."

The Plan's classification structure complies with § 1122(a).

SECTION 1122(b)

Section 1122(b) provides that "a plan may designate a separate class of claims consisting only of every unsecured claim that is less than or reduced to an amount that the court approves as reasonable and necessary for administrative convenience."

The Plan contains a convenience class, but no creditor elected to join said class. Therefore, § 1122(b) does not apply.

SECTION 1123(a)(1)

Section 1123(a)(1) requires that a plan "designate ... classes of claims, other than claims of a kind specified in section 507(a)(2) [administrative expense claims], 507(a)(3) [claims arising during the gap period in an involuntary case], or 507(a)(8) [priority tax claims], and classes of interest."

There are no involuntary gap claims because this is a voluntary chapter 11 case. The Plan appropriately classifies the Debtor's priority IRS tax claim. In addition, the Plan appropriately classifies administrative expense claims and the Debtor's domestic support obligation. The Plan satisfies § 1123(a)(1).

SECTION 1123(a)(2)

Section 1123(a)(2) requires that the Plan "specify any class of claims or interests that is not impaired under the Plan."

All classes are impaired (except the convenience class that contains no creditors). The Plan satisfies § 1123(a)(2).

SECTION 1123(a)(3)

Section 1123(a)(3) requires that the Plan "specify the treatment of any class of claims or interests that is impaired under the Plan."

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The Plan specifies the treatment afforded to each impaired class—Classes 1(a), 6(b)-(c), 7, and 8. The Plan satisfies § 1123(a)(3).

SECTION 1123(a)(4)

Section 1123(a)(4) requires that the Plan "provide the same treatment for each claim or interest of a particular class unless the holder of a particular claim or interest agrees to a less favorable treatment of such particular claim or interest."

The Plan provides the same treatment to claims and interests of the same class. The Plan satisfies § 1123(a)(4).

SECTION 1123(a)(5)

Section 1123(a)(5) requires that the Plan "provide adequate means for the plan's implementation."

The Plan will be funded by the Debtor's cash on hand as well as monthly income from the Debtor's job as an insurance salesperson. Should ABC be sold for more than the CDFTA lien, the Plan will also be funded using proceeds from that sale. The Debtor anticipates having approximately \$4,000 of cash on hand on the Effective Date of the Plan. The professionals have agreed that, due to the limited amount of funds available on the Effective Date, they will set up other payment arrangements with the Debtor after the Effective Date. *See* Disclosure Statement.

In support of his ability to adequately implement the Plan, the Debtor has submitted pay stubs from his employment as an insurance salesman. *See* App'x. 1 to Disclosure Statement. The Debtor notes that income projections are inconsistent with average monthly income during the six months prior to this case because he started a new job. Total monthly payments under the plan equal \$1,984 (inclusive of his domestic support obligation), and as the Debtor's financial projections demonstrate, the Debtor will have an average net income of \$2,847 for the duration of the Plan. The proposed funding sources provide an adequate means for the Plan's implementation. The Plan satisfies § 1123(a)(5).

SECTION 1123(a)(6)

Section 1123(a)(6) provides: "[A] plan shall provide for the inclusion in the

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charter of the debtor, if the debtor is a corporation ..., of a provision prohibiting the issuance of nonvoting equity securities, and providing, as to the several classes of securities possessing voting power, an appropriate distribution of such power among such classes, including, in the case of any class of equity securities having a preference over another class of equity securities with respect to dividends, adequate provisions for the election of directors representing such preferred class in the event of default in the payment of such dividends."

The Debtor is an individual. Section 1123(a)(6) does not apply.

SECTION 1123(a)(7)

Section 1123(a)(7) requires that the Plan's provisions with respect to the selection of officers and directors be consistent with public policy and the interests of creditors and equity security holders.

The Debtor is an individual. Section 1123(a)(7) does not apply.

SECTION 1123(a)(8)

Section 1123(a)(8) was added to the Bankruptcy Code to provide that, to be confirmable, an individual debtor's plan must provide for the payment to creditors of all or such portion of earnings from personal services or other future income of the debtor. The Plan provides for the payment of a portion of the Debtor's future income to creditors. The Plan satisfies § 1123(a)(8).

SECTION 1123(b)

Section 1123(b) sets forth provisions that are permitted, but not required, in a plan. The Plan contains certain of § 1123(b)'s optional provisions. The Plan is consistent with § 1123(b).

SECTION 1129(a)(1)

Section 1129(a)(1) requires that the "plan compl[y] with the applicable provisions of this title." According to the leading treatise, the "legislative history suggests that the applicable provisions are those governing the plan's internal structure and drafting: 'Paragraph (1) requires that the plan comply with the applicable provisions of chapter 11, such as section 1122 and 1123, governing classification and contents of a plan.'" *Collier on Bankruptcy* ¶ 1129.01[1] (16th rev'd ed.) (citing S.

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Rep. No. 989, 95th Cong., 2d Sess. 126 (1978)).

SECTION 1129(a)(2)

Section 1129(a)(2) requires that the "proponent of the plan compl[y] with the applicable provisions of this title." The Court finds that the Debtor has:

- 1) Obtained Court approval of a Disclosure Statement in accordance with § 1125 (*see* "Order Approving Disclosure Statement and Setting Hearing on Confirmation of Plan" [Doc. No. 160]);
- 2) Obtained Court approval of the employment of professional persons (*see* Doc. Nos. 27, 30, 31, 82, 83 & 146); and
- 3) Filed monthly operating reports.

Accordingly, the Debtor has satisfied the requirements of § 1129(a)(2).

SECTION 1129(a)(3)

Section 1129(a)(3) requires that the "plan has been proposed in good faith and not by any means forbidden by law." As one court has explained:

The term 'good faith' in the context of 11 U.S.C. § 1129(a)(3) is not statutorily defined but has been interpreted by case law as referring to a plan that 'achieves a result consistent with the objectives and purposes of the Code.' 'The requisite good faith determination is based on the totality of the circumstances.'

In re Melcher, 329 B.R. 865, 876 (Bankr. N.D. Cal. 2005) (internal citations omitted).

The Plan seeks objectives that are consistent with those of the Bankruptcy Code and the Debtor has complied with the requirements of the Code throughout this case. Under Fed. R. Bankr. P. 3015(f), the Court is not required to receive evidence as to good faith because no party has objected to confirmation. Section 1129(a)(3) is satisfied.

SECTION 1129(a)(4)

Section 1129(a)(4) requires that "[a]ny payment made or to be made by the proponent, by the debtor, or by a person issuing securities or acquiring property under

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the plan, for services or for costs and expenses in or in connection with the case, or in connection with the plan and incident to the case, has been approved by, or is subject to the approval of, the court as reasonable."

The Plan provides that payment of all professional fees is subject to review by the Court. *See* Plan at I.A. The Plan satisfies § 1129(a)(4).

SECTION 1129(a)(5)

Section 1129(a)(5) requires that the Plan disclose "the identity and affiliations of any individual proposed to serve, after confirmation of the Plan, as a director, officer, or voting trustee of the debtor, an affiliate of the debtor participating in a joint Plan with the debtor, or a successor to the debtor under the Plan." Section 1129(a)(5)(A)(ii) requires that the appointment to or continuation in office of a director or officer be consistent with the interests of creditors, equity security holders, and public policy. Section 1129(a)(5)(B) requires the Plan proponent to disclose the identity of any insider to be employed by the reorganized debtor.

The Debtor is an individual. Section 1129(a)(5) does not apply.

SECTION 1129(a)(6)

Section 1129(a)(6), which requires that a governmental regulatory commission with jurisdiction over rates charged by a debtor approve any rate changes provided for in the plan, does not apply.

SECTION 1129(a)(7)

Section 1129(a)(7), known as the "best interests of creditors test," provides in relevant part: "With respect to each impaired class of claims or interests, each holder of a claim or interest of such class has accepted the plan; or will receive or retain under the plan on account of such claim or interest property of a value, as of the effective date of the plan, that is not less than the amount that such holder would so receive or retain if the debtor were liquidated under chapter 7 of this title on such date."

Based upon its review of the Liquidation Analysis included with the Disclosure Statement, under Chapter 7 liquidation unsecured creditors would likely be paid 0% on their claims. The Plan provides each holder of a claim in an impaired class

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with some payment as of the Effective Date, that is not less than the amount that such holder would receive in a Chapter 7 liquidation. The Plan satisfies § 1129(a)(7).

SECTION 1129(a)(8)

Section 1129(a)(8) requires each class to accept the Plan, unless the class is not impaired.

Classes 6(c)-(h) are deemed to have rejected the Plan. Therefore, the Plan will be confirmed by way of 11 U.S.C. § 1129(b).

SECTION 1129(a)(9)

Section 1129(a)(9) requires that holders of certain administrative and priority claims receive cash equal to the allowed claim amount of their claims on the effective date of the plan, unless the claimant agrees to different treatment.

The Plan and Motion provide that all administrative claims will either be paid in full on the Effective Date, or that the professionals have agreed to defer payment due to the limited nature of funds available on the Effective Date. Motion at 5; Plan at 2-3. The Plan also provides for payment of priority tax claims in a manner consistent with § 1129(a)(9)(C). Finally, the Plan provides for payment of domestic support obligations consistent with § 1129(a)(9)(B). The Plan satisfies § 1129(a)(9).

SECTION 1129(a)(10)

Section 1129(a)(10) requires that "at least one class of claims that is impaired under the plan has accepted the plan, determined without including any acceptance of the plan by any insider."

Classes 1(a), 6(b), 7, and 8 are impaired, do not consist of insiders, and have accepted the Plan. Section 1129(a)(10) is satisfied.

SECTION 1129(a)(11)

Section 1129(a)(11), known as the "feasibility requirement," requires the Court to find that "[c]onfirmation of the plan is not likely to be followed by the liquidation, or the need for further financial reorganization, of the debtor or any successor to the debtor under the plan, unless such liquidation or reorganization is proposed in the plan."

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The Debtor has sufficient cash on hand to pay the amounts that are due on the Effective Date (assuming the Debtor and the professionals have come to an agreement regarding the professionals' fees). Based upon its review of the Debtor's projected income and the pay stubs submitted as Appendix 1 to the Disclosure Statement, the Court finds that confirmation is not likely to be followed by liquidation or the need for further financial reorganization. Furthermore, should the Debtor's business be sold for greater than the CDTFA lien against it, the Debtor will have additional funds. The Plan is feasible and satisfies § 1129(a)(11).

SECTION 1129(a)(12)

Section 1129(a)(12) requires that the Debtor pay all United States Trustee fees prior to confirmation or provide for payment of those fees on the effective date.

The Debtor states that he is current on all United States Trustee fees. To the extent any fees are outstanding, the Plan provides that all such fees will be paid by the Effective Date. Section 1129(a)(12) is satisfied.

SECTION 1129(a)(13)

Section 1129(a)(13), which contains requirements pertaining to the payment of retirement benefits, does not apply.

SECTION 1129(a)(14)

Section 1129(a)(14) provides: "[i]f the Debtor is required by a judicial or administrative order, or by statute, to pay a domestic support obligation, the debtor has paid all amounts payable under such order or such statute for such obligation that first become payable after the date of the filing of the petition." The Debtor is current on his domestic support obligations and his former spouse has voted to accept the plan (Class 1(a)). Therefore, the Plan satisfies § 1129(a)(14).

SECTION 1129(a)(15)

Section 1129(a)(15) provides:

(15) In a case in which the debtor is an individual and in which the holder of an allowed unsecured claim objects to the confirmation of the plan--

(A) the value, as of the effective date of the plan, of the

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property to be distributed under the plan on account of such claim is not less than the amount of such claim; or
(B) the value of the property to be distributed under the plan is not less than the projected disposable income of the debtor (as defined in section 1325(b)(2) [11 USCS § 1325(b)(2)]) to be received during the 5-year period beginning on the date that the first payment is due under the plan, or during the period for which the plan provides payments, whichever is longer.

Because no party has objected to confirmation, § 1129(a)(15) does not apply.

SECTION 1129(a)(16)

Section 1129(a)(16) provides: "All transfers of property under the plan shall be made in accordance with any applicable provisions of nonbankruptcy law that govern the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust."

The Plan does not provide for the transfer of any property. The Plan satisfies § 1129(a)(16).

SECTION 1129(b)

The Court may confirm a plan even if a class did not vote to approve the plan "if the plan does not discriminate unfairly, and is fair and equitable" with respect to the dissenting class. 11 U.S.C. § 1129(b)(1). Section 1129(b)(2)(B) provides two different ways that an unsecured creditor may be given fair and equitable treatment under a plan:

- i) The plan provides that each holder of a claim of such class receive or retain on account of such claim property of a value, as of the effective date of the plan, equal to the allowed amount of such claim; or
- ii) The holder of any claim or interest that is junior to the claims of such class will not receive or retain under the plan on account of such junior claim or interest any property, except in a case in which the debtor is an individual, the debtor may retain property included in the estate under section 1115, subject to the requirements of

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subsection (a)(14) of this section.

11 U.S.C. § 1129(b)(2)(B)(i) & (ii).

The 9th Circuit Bankruptcy Appellate Panel ruled in *In re Juarez*, 603 B.R. 610 (2019) that the absolute priority rule only comes into play "if the debtor retains any property . . . under the plan on account of [the debtor's interest]." 603 B.R. at 623 (internal quotations omitted). That court further noted that "a debtor does not retain exempt property either under the plan or on account of the debtor's interest . . . [r]ather, the debtor retains exempt property due to the exemption statutes." *Id.* Here, the Plan does not violate the absolute priority rule because the Debtor is only retaining property that is exempt. Because the Debtor is not retaining any property on account of the Plan, the Court finds that the treatment of Classes 6(c)-6(h) is fair and equitable. Therefore, cramdown is appropriate pursuant to § 1129(b)(2)(B).

SECTION 1129(c)

Section 1129(c), which states that the court may confirm only one plan in a particular case, is satisfied.

SECTION 1129(d)

Section 1129(d) provides: "Notwithstanding any other provisions of this section, on request of a party in interest that is a governmental unit, the court may not confirm a Plan if the principal purpose of the Plan is the avoidance of taxes or the avoidance of the application of section 5 of the Securities Act of 1933."

No governmental unit has requested that the court not confirm the Plan on the grounds that the Plan's purpose is the avoidance of taxes or application of section 5 of the Securities Act of 1944. The Plan satisfies § 1129(d).

III. Conclusion

Based upon the foregoing, the Plan is CONFIRMED.

The Debtor shall submit a conforming order, incorporating this tentative ruling by reference, within seven days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you

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CONT... Ya-Chuan Victor Lee

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intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

Party Information

Debtor(s):

Ya-Chuan Victor Lee

Represented By
Marcus G Tiggs

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, May 5, 2021

Hearing Room 1568

11:00 AM

2:19-10549 Bahram Zendedel

Chapter 7

#100.00 Hearing
RE: [211] Application for Compensation First Interim Application for Allowance
of Fees and Costs **re Marshack Hays LLP**

Docket 211

Tentative Ruling:

5/4/2021

Note: Telephonic Appearances Only. The Courtroom will be unavailable for in-court appearances. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing. The cost for persons representing themselves has been waived.

Having reviewed the first interim application for fees and expenses filed by this applicant, the court approves the application and awards the fees and expenses set forth below.

Fees: \$137,801.50 (Applicant agrees that the interim amount actually paid to the applicant at this stage will be 50% of allowed fees and 100% of allowed costs [*see* Doc. No. 211])

Expenses: \$7,756.66 [*see id.*]

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Andrew Lockridge at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic appearance, contact Court Call at 888-882-6878, no later than one hour before the hearing.

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Wednesday, May 5, 2021

Hearing Room 1568

11:00 AM

CONT...

Bahram Zendedel

Chapter 7

The applicant shall submit a conforming order within seven days of the hearing.

Party Information

Debtor(s):

Bahram Zendedel

Represented By
Khachik Akhkashian

Trustee(s):

Peter J Mastan (TR)

Represented By
Chad V Haes